

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

MEMORANDUM

JS 6

Case No. CV 15-6251 DSF (PJWx)

Date 8/19/15

Title Blanca Ortiz, et al. v. American Florists' Exchange, Ltd., et al.

Present: The
Honorable

DALE S. FISCHER, United States District Judge

Debra Plato

Not Present

Deputy Clerk

Court Reporter

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

Not Present

Not Present

Proceedings: (In Chambers) Order REMANDING Case to State Court; Order to Show Cause re Sanctions Pursuant to Federal Rule of Civil Procedure 11

This case was removed on the basis of federal question jurisdiction. Defendant's counsel suggests that Unruh Act claims based on violations of the ADA provide for federal question jurisdiction. The Ninth Circuit answered this question in the negative almost 13 years ago. Wander v. Kaus, 304 F.3d 856 (9th Cir. 2002). The case is REMANDED to the Superior Court of California, County of Los Angeles.

Defendant's counsel, Gregory Hurley, is ordered to show cause, in writing, no later than August 25, 2015 why he and his firm, Sheppard, Mullin, Richter & Hampton LLP should not be sanctioned in the amount of \$1,000 pursuant to Federal Rule of Civil Procedure 11(b) for Hurley's repeated baseless removals of cases contrary to the binding precedent of Wander v. Kaus. See, e.g., EDCV 14-2609 DSF (SPx) (remanded citing Wander); EDCV 13-1201 VAP (SPx) (same); CV 11-6122 VBF (SSx) (same); CV 11-2334 GHK (Ex) (counsel filed non-opposition to OSC re remand that cited Wander); see also CV 13-1728 GAF (JEMx) (remanding on similar principle but not citing Wander); CV 12-7550 DDP (VBKx) (same). These removals in the face of actual knowledge of binding precedent that precludes removal appear almost conclusive as to a violation of Rule 11(b)(2) and strongly suggest a violation of Rule 11(b)(1). Payment of \$1,000 to the Clerk of Court no later than August 25 will be a sufficient response to this Order to Show Cause.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

MEMORANDUM

JS 6

IT IS SO ORDERED.